



## CRIME

# Line of Fire

Shortly before 10 p.m. on August 3, 1997, as fans gathered in the bars and eateries near the Plaza Monumental bullring in Ciudad Juarez, four suspected drug traffickers strolled into the popular Max Fim restaurant, pulled out their guns, and squeezed off 130 rounds into the post-fight Sunday night crowd, killing three men and two women and wounding another four people. On their way out, the assailants paused long enough to claim another victim—an off-duty law enforcement officer who had run into the street from the bar next door, gun drawn, to check out the commotion.<sup>1</sup>

Shock waves from the shooting spread beyond Juarez and El Paso. Although score-settling among rival *narcotraficantes* was commonplace—in the past four years, there had been more than 80 drug-related killings and some 70 disappearances—rarely had it spilled over into public places. The gangland killing at Max Fim threatened to usher in a new era in border crime.

Experts quickly asserted that the stepped-up vio-

lence was due to competition to see who would succeed Amado Carillo Fuentes, the infamous head of the “Mexican Federation,” a loose amalgam of families that had grown in recent years to rival the fabled operations of the Cali cocaine cartels in Colombia. Carillo Fuentes, a 42-year-old native of Chihuahua, had reportedly died on July 4 while undergoing plastic surgery and liposuction in a Mexico City clinic. Known as *El Señor de los Cielos* (Lord of the Skies) because of his cool competence in airlifting as much as 70 percent of the cocaine that reached the U.S. each year, Carillo Fuentes had become invaluable to his Cali partners for other reasons, too. He served as a liaison between them and the five major Mexican drug cartels, forming discrete alliances and keeping the peace among traffickers along the border.

In short, he was one to be trusted.

“The Cali dons don’t want to deal with some jerk that’s running around shooting everybody,” explained a veteran drug enforcement agent (see “*Thirty-nine days of Terror*”).

### Explanations, Implications

In the wake of the violence, Chihuahua Attorney General Arturo Chavez Chavez reported that murders attributed to *narcotraficantes* in the region had risen only slightly—from 22 in 1995 to 25 in 1996 to 32 through the first eight months of 1997. Others pointed out, however, that in only eight weeks since Carillo Fuentes’ death, 18 people had been executed in the streets and businesses of Juarez. And the latest violence had happened in an area measuring only two square miles

*Although score-settling among rival narcotraficantes was commonplace... rarely had it spilled over into public places.*

PHOTO: U.S. Department of Justice, Immigration and Naturalization Service.



***Narcotraficantes and the violence they bring with them often rule the Border at night.***

# Thirty-Nine Days of Terror

All bets were off in the wake of Carillo Fuentes' demise on July 4, 1997, as public executions, kidnappings, and disappearances began to terrorize the residents of Juarez and El Paso.

**July 13.** In Juarez, corpses of a man and a woman were discovered in the trunk of a compact car, their hands and feet bound with electric cord and their heads covered with hoods. The woman was said to have served as an informant for investigators from the Mexican federal attorney general's office.

**July 16.** A member of the Gandara Granillo family, one of five *narco* clans, was shot and killed at the wheel of his car in the town of Guadalupe Bravos, downriver from Juarez.

**July 19.** One hour after police agents searched his house and found illegal drugs and weapons, a suspected trafficker nicknamed *El Genio* arrived home, in the town of Guadalupe Bravos, to a hail of bullets. His family accused local police of committing the murder. The Chihuahua attorney general's Internal Affairs unit opened an investigation of 16 officers.

**August 3.** The Max Fim massacre took place in Juarez. Among the victims was Lino Herrera, a relative of Carillo Fuentes and one of his top lieutenants in the drug cartel.

**August 17.** Five people were kidnapped from a Juarez restaurant called the Space Burger and remain missing. One of the victims was the cousin of a top Carillo Fuentes associate. He and the others were also suspects in a heist of 120 kilos of cocaine and \$500,000 in cash.

The same afternoon, two men were dragged from a

private home across town. One disappeared. The other's body was dumped on a side street the next day, his face covered with adhesive tape. The day after that, his vacant house was ransacked.

**August 22.** A Juarez lawyer on his way home from work was fired upon from a late-model pick-up. He returned his assailants' fire, wounding one, then lost them in rush hour traffic. An hour later, four Juarez physicians were summoned from the Guernica and San Rafael hospitals to treat a drug trafficker's gunshot wounds. Although the injured drug trafficker survived, the four doctors were found the following morning, strangled, tortured, and deposited in Chamizal Park, just beneath a 26-story-high pole flying a Mexican flag half the length of a football field.

**August 31.** Chihuahua Governor Francisco Barrio Terrazas and Juarez Mayor Ramon Galindo led a march against the violence. A local radio announcer exhorted the marchers: "From now on, the criminals won't feel safe here because we've said, 'Enough!'" An hour after the marchers dispersed, three men, including an American student at the University of Texas-El Paso, were gunned down and two others were wounded in the doorway of Geronimo's bar, less than 50 feet from the Max Fim. They had just come from the bullring.<sup>1</sup>

## ENDNOTES

1 "A Violent Border Town Says 'Basta Ya'—Enough," *The New York Times* (September 7, 1997).

and containing Juarez' major commercial and tourist enterprises—all within sight of the Cordova International Bridge leading to El Paso.

Hotel and restaurant industry officials in the area reported business dropping by as much as 50 percent. Resident groups on both

sides of the border called for arming citizens in self-defense. In November, after a man was shot and killed while dining at a stylish sushi bar, a group called Relatives and Friends of Disappeared Persons International warned residents against crossing the river at Juarez/El Paso.<sup>2</sup> Chihuahua

Governor Francisco Barrio said that Juarez residents were trapped in an "atmosphere of psychosis." The governor subsequently convened an emergency meeting of national, state, and local leaders to devise a plan for stepping up public security.

Juarez's Archbishop Manuel Talamas Camandari weighed in against the violence.

"They used to just kill each other," he said, referring to the drug traffickers warring in Juarez, "but now they've gone beyond the pale. They're provoking fear and social unrest. People are afraid to go out to a restaurant. Juarez is being laid to waste."<sup>3</sup>

By early 1998, with the violence simmering, a Juarez company was making news by offering bulletproof clothing for \$1,200 to \$4,000 an outfit.

"Protecting yourself is important," a company representative said, "especially if you're a high-profile person." Sales of bulletproof vehicles were also on the rise.<sup>4</sup>

How did this happen? And what did it suggest about drug smuggling and related crime, not just in the twin cities of Juarez and El Paso, but all along the Texas-Mexico border? Experts may have disagreed on immediate causes, or who was precisely to blame for what, but they could not deny that the explosion of *narco* violence that swept into Juarez in 1997 raised vital questions deeply rooted in an age-old push and pull—the push of illicit drugs ferried from Latin America north, and the pull of continuing North American demands for illegal narcotics.

### Supply: The Mexican Connection

The expanding role of Mexico's gangs in illicit drug traffic in the Western Hemisphere can't be denied. Thomas Constantine, administrator of the U.S. Drug Enforcement Administration (DEA), told a U.S. Senate committee in 1997 that, with the demise of South American drug syndicates in 1995 and 1996, Mexico's drug trafficking organizations claimed a new prominence.<sup>5</sup> Since the late 1980s, moreover, Mexico had been the principal transit route for South American cocaine and a major source of marijuana, heroin, and methamphetamines. From the mid-1980s into early 1998, *narcotraficantes* based in Mexico built criminal empires producing illicit drugs, smuggling hundreds of tons of South American cocaine, and linking up with drug distribution networks that reach into the U.S.<sup>6</sup>

While not on the scale of the Colombia drug smuggling cartels, many of the five major *narcotraficante* groups in Mexico posed a threat internationally. And two—the Ciudad Juarez and Gulf cartels—focused their business on Texas border crossings.<sup>7</sup>

Drug smugglers saw the border as a wide-open door through which to ship drugs into the U.S. Since 1990—despite the Mexican peso devaluation of 1994—northbound

truck traffic had increased by 27 percent, vehicular crossings by more than 40 percent, and pedestrian crossings, 10 percent.<sup>8</sup> Starting in 1995, the Mexican drug cartels began solidifying their trafficking infrastructure. They used cities on the Texas-Mexico border and the massive flow of legitimate trade and traffic as springboards into the U.S. Compounding drug enforcement and interdiction problems, the Mexican cartels, unlike the Colombian traffickers, operated as *polydrug* traffickers, meaning they dealt in heroin, marijuana, and methamphetamines, as well as cocaine.<sup>9</sup>

Citing a suspected surge in illegal drugs moving

*A Juarez company was making news by offering bulletproof clothing for \$1,200 to \$4,000 an outfit.*



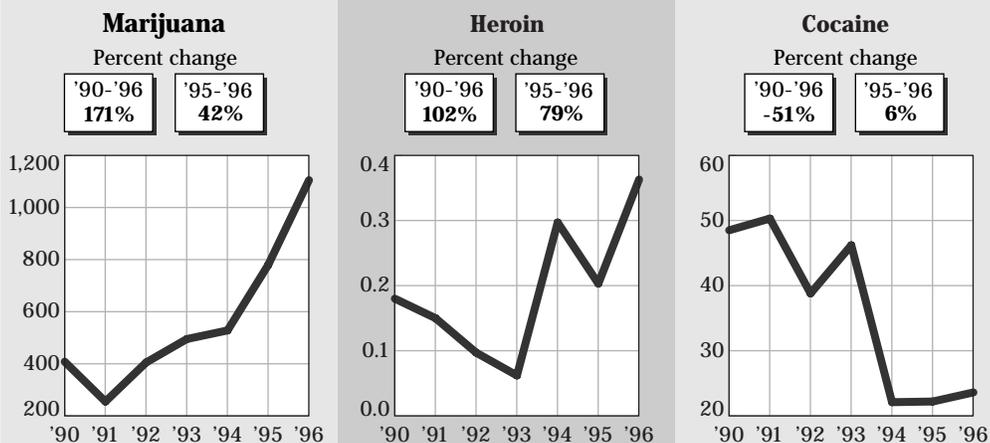
PHOTO: Chief Wallace Maley, Refugio Police Department

***Police apprehended smugglers with 1,000 pounds of marijuana hidden in the arm of this backhoe.***

through the Texas Border region, the DEA in 1994 designated the Southwest Border Region, extending from San Diego, Calif., to Brownsville, a High Intensity Drug Trafficking Area.<sup>10</sup> During 1996, the

FIGURE 10.1

Mexico Drug Seizures (metric tons)



SOURCES: John Sharp, Texas Comptroller of Public Accounts, and U.S. Department of State.

baggage of a rider who had hired a taxi in Houston to take him 340 miles to cross the border at tiny Progreso. Within 60 days in early 1998, U.S. Customs agents in Laredo recovered nearly \$3 million being smuggled out of the country into Mexico, including nearly \$700,000 wrapped in 52 bundles stuffed into a pick-up truck and \$1 million ferried by a Dallas couple.<sup>15</sup>

In 1996, as a result of U.S.-Mexico cooperative bilateral task forces targeting drug organizations, Mexico improved its drug interdiction efforts to stem the flow of narcotics and related chemicals, eradicate illicit drug cultivation, and arrest and prosecute criminals. Mexico's increased enforcement effort resulted in the arrests of key members of targeted drug groups.<sup>16</sup> The ensuing leadership vacuum in the organizations resulted in numerous turf battles, contributing to at least 57 deaths in the Juarez area alone during 1996 and 1997.

But drug seizures by the Mexican government also surged (see Figure 10.1). In 1996, Mexico seized 1,105 metric tons of marijuana, the highest one-year amount of the decade and a 171 percent increase from seizures in 1990. Cocaine seizures increased slightly between 1995 and 1996 but lagged behind seizures earlier in the

sprawling region accounted for 70 percent of marijuana, 18 percent of cocaine, and 16 percent of heroin seized by the U.S. Customs Service. From fiscal 1995 to 1996, narcotics seizures in the Southwest Border region increased by 25 percent.<sup>11</sup>

**Laundering Drug Profits**

Because the drug trade yields huge cash profits, Mexico became a major money-laundering center as the five *narco* cartels grew in power and reach. Money laundering is the practice of taking illicit income and "cleaning" it by running it through legitimate businesses.<sup>12</sup> Drug cartels launder drug trafficking proceeds in businesses and financial institutions around the globe. With methods ranging in sophistication from electronic transfers of money to bulk shipments of cash in cargo and private planes, traffickers try

many ways to conceal their illegal profits.

In one indication of the export of money laundering, more than \$53 million in cash was seized by U.S. Customs agents at Southwest border checkpoints between 1994 and 1996.<sup>13</sup> The U.S. government suggested that drug profits of as much as \$50 billion a year—\$6 billion more than was appropriated in fiscal 1998 for Texas state government—flowed through Texas into Mexico. The estimate included electronic transfers, exchange-house operations, and bulk cash.

"Money going out is a natural reaction to drugs coming in," said one special agent.<sup>14</sup>

Still, border inspectors continue to be surprised at the size of attempted transfers. Some \$5.6 million in cash was captured in a single tractor-trailer rig being taken across the border in El Paso. Nearly \$200,000 turned up in the

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decade. The totals underscored the magnitude of the drug smuggling problem along the border and the need for continuing cooperation between the two neighboring nations.

Challenges remain. Despite a six-year increase in drug law enforcement and drug seizure activities, Mexico is still the transshipment point for more than half of U.S.-bound South American cocaine shipments. Mexico also persists as the source of as much as 80 percent of methamphetamine-related chemicals. No one need dwell on the obvious explanation for such a situation: location, location, location. Simply by neighboring one of the wealthiest nations in the world, where the demand for drugs seems unrelenting, Mexico is a natural route for drug smugglers. Too many U.S. customers count on that pipeline.

**Demand for Drugs**

Spurred by the U.S. demand for drugs and the lure of making a great deal of money for their efforts, northbound drug smugglers at the U.S.-Mexico border hide their contraband in planes, cars, trucks, boats, tourist buses, tires, hiking boots, and even baby bottles. Some smugglers swallow heroin- and cocaine-filled balloons or pellets; if the containers burst, the smuggler usually dies. Drug couriers sometimes try to crash their way

through border checkpoints. Others swim the Rio Grande, sometimes drowning.

The North American demand for drugs is enormous. In 1996, according to the National Clearing House for Alcohol and Drug Information, an estimated 13 million U.S. citizens were illegal drug users, or 6.1 percent of the population aged 12 and older.<sup>17</sup> In addition, almost 35 percent of U.S. citizens 12 and older had used an illegal drug in their lifetime. Of those, more than 90 percent had tried marijuana or hashish, and about 30 percent had tried cocaine.

The 1996 *National Household Survey on Drug Abuse*—measuring the prevalence of use of illicit drugs, alcohol, and tobacco products—estimated that 1.7 million Americans were “recent” cocaine users. The number of chronic cocaine users was put at 3.6 million, with about 320,000 occasional heroin users and 810,000 chronic heroin users. Another 10.1 million Americans aged 12 and older were described as marijuana or hashish users. Marijuana was the most prevalent illegal drug in the U.S. Nearly 5 million had tried methamphetamines, according to the survey.

Substance abuse is a multi-faceted problem in the U.S. While the link between substance abuse and crime is complex, the consequences of sub-

stance abuse can affect all segments of a community. In neighborhoods where drugs are sold, crime and violence occur more often for many reasons.<sup>18</sup> Drug-related activity attracts predators and victims and destroys neighborhoods. Drug abuse is hazardous to the health of the addict and to the non-user. Substance abuse places additional burdens on the nation’s already over-extended health care and criminal justice systems.

**Crime on the Border**

For most Texans, the murder and mayhem surrounding illegal drug smuggling in Mexico may seem distant. The reality, however, is that drug-related violence in Mexico is spilling over the Texas border. Ranchers in Maverick County, 150 miles southwest of San Antonio, report that armed traffickers dressed in black or wearing camouflage clothing pass through their properties after crossing the Rio

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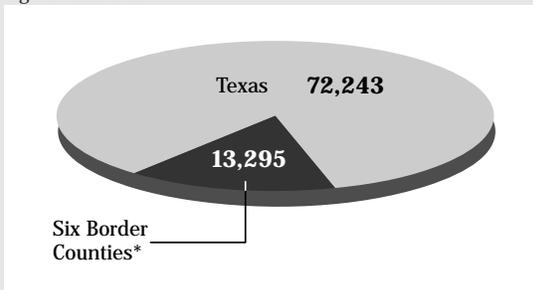
PHOTO: Jim Hodges, Sheriff of Refugio County.

***About \$1.2 million in cash concealed in door panels of this minivan was seized in Refugio County.***

FIGURE 10.2

Adult Drug Arrests, 1996

Age 18 and older



\* The six most populous border counties are Bexar, Cameron, El Paso, Hidalgo, Nueces, and Webb.

SOURCES: John Sharp, Texas Comptroller of Public Accounts, and Texas Department of Public Safety.

Grande. By one account, many ranchers have started carrying handcuffs in case of unwelcome encounters.

“The traffickers have turned [ranch land] into a no-man’s land,” one rancher said.<sup>19</sup>

In the same county, armed encounters between law enforcement officers and smugglers, once rare, have escalated to a rate of at least one per month.<sup>20</sup> Elsewhere, local law officers and the U.S. Border Patrol have been fired upon. One Border Patrol agent was killed in a 1996 shooting.

Since 1993, more than 40 percent of armed encounters by the Border Patrol in the El Paso sector involved narcotics. While armed drug encounters have dropped by half since 1995, Border Patrol officers faced the threat of armed violence about 30 percent of the time during 1997.<sup>21</sup>

In August 1997, federal agents forecast that drug smuggling would increase

across South Texas with the death of Carillo Fuentes, who had favored shipping narcotics through the El Paso area using Interstate 10 and Interstate 25; the agents noted that the bulk of trade with Mexico goes over the South Texas international bridges.<sup>22</sup> By 1997, drug traffickers in the McAllen area were already more active and more brazen in their operations. Instead of storing smuggled goods

in rural isolated areas, traffickers were stashing large quantities of drugs in residential neighborhoods within seven blocks of Department of Public Safety (DPS) offices in McAllen. In 1997, drug raids by DEA and DPS agents netted more than seven tons of marijuana in the same neighborhoods.<sup>23</sup>

Adult drug law violations increased substantially in the six most populous counties in the Border region from 1990 through 1996. Drug arrests of individuals 18 years and older increased 21 percent, from 11,000 to 13,300. Almost 75 percent of the adult arrests were for possession of illegal drugs (see **Figure 10.2**).

Drug law violations among Border residents less than 18 years old more than doubled between 1990 and 1996, from 1,100 in 1990 to 3,600. Arrests of youths 13 to 15 years old—junior high and high schoolers—

more than tripled, jumping from 408 to 1,553. In 1996, this group accounted for 43 percent of juvenile drug arrests in the six most populous Border counties (see **Figure 10.3**).

The Texas Commission on Alcohol and Drug Abuse (TCADA) surveyed 1,665 adults in El Paso, Webb, Hidalgo, and Cameron counties in 1996 to determine the prevalence of substance abuse on the Texas-Mexico Border and its *colonias*. Overall, 23 percent of Border adults surveyed had used an illicit drug at some time in their lives. Marijuana use accounted for most illicit drug use.<sup>24</sup> About 19 percent of adults reported an alcohol-related problem within the previous year. For the *colonias* part of the study, TCADA surveyed 500 residents of 52 *colonias* in Hidalgo and Cameron counties and compared findings to survey results from other residents. The levels of illicit drug use were similar.

**Underage Drinking in Mexico**

As long as there have been Mexican border taverns, underage youth have crossed to Mexico to drink alcoholic beverages and returned to the U.S. under the influence of alcohol and sometimes drugs.

In February 1997, Border law enforcement departments launched a novel attack on underage drinking. Under the leadership of George Ramon,

*“The traffickers have turned [ranch land] into a no-man’s land,” one rancher said.*

**TABLE 10.1**  
**Crime Rate, 1991-1996**

Counties	1991	Rate	1991	Rate	1991	Rate	1996	Rate	1996	Rate	1996	Rate	1991-96 Percent Change		
	Violent Crimes	per 100,000	Property Crimes	per 100,000	Total Crimes	per 100,000	Violent Crimes	per 100,000	Property Crimes	per 100,000	Total Crimes	per 100,000	Violent Crimes	Property Crimes	Total
Bexar	8,805	725.9	124,293	10,246.5	133,098	10,972.4	5,755	437	93,332	7,079	99,087	7,516	-34.6%	-24.9%	-25.6%
Cameron	1,616	601.0	17,226	6,406.6	18,842	7,007.7	1,764	565	17,541	5,621	19,305	6,186	9.2%	1.8%	2.5%
El Paso	5,992	985.2	48,010	7,893.7	54,002	8,878.9	5,614	833	42,689	6,335	48,303	7,168	-6.3%	-11.1%	-10.6%
Hidalgo	1,949	495.1	24,763	6,290.7	26,712	6,785.8	2,512	506	28,949	5,831	31,461	6,337	28.9%	16.9%	17.8%
Nueces	2,279	769.4	26,327	8,888.6	28,606	9,658.0	3,160	1,018	28,510	9,180	31,670	10,198	38.7%	8.3%	10.7%
Webb	920	658.7	11,282	8,078.2	12,202	8,736.9	1,100	621	10,723	6,053	11,823	6,674	19.6%	-5.0%	-3.1%
6-county Total	21,561		251,901		273,462		19,905		221,744		241,649				
Texas	145,698	839.8	1,210,733	6,978.7	1,356,431	7,818.5	123,218	644	968,660	5,064	1,091,878	5,708	-15.4%	-20.0%	-19.5%
6-county % of State Total	14.8%		20.8%		20.2%		16.2%		22.9%		22.1%				

SOURCES: John Sharp, Texas Comptroller of Public Accounts, and Texas Department of Public Safety.

manager of the McAllen-Hidalgo International Bridge, the law enforcement departments started Operation Caring About Teens (Operation CAT) to warn teenagers about the hazards of drinking in Mexico. Officers from 10 local police departments, U.S. Customs, the Immigration and Naturalization Service, and the Texas Alcoholic Beverage Commission worked together to warn young people crossing into Mexico at the McAllen-Hidalgo International Bridge that officers would be strictly enforcing public intoxication and curfew laws. During the first three weekends of the operation, 231 teens were detained and released to their parents, and 136 adults were arrested for public intoxication. Police officers reported that youths from as far away as Rio Grande City, 70 miles west, and Padre Island, 30 miles northeast, were crossing the bridge. Despite the detentions, which prevented many individuals from

driving while intoxicated, the program soon ended for lack of funds to pay police officers overtime.

**60 Violent Crimes a Day**

Drugs present the leading crime challenge in the Border region, but other crimes are also a problem. Every 24 hours in 1996, an average of 60 violent crimes and 654 property offenses were committed in the Border region (see **Table 10.1**). On average, there were four rapes, 15 robberies, and 40 aggravated assaults each day. A murder was committed every 30 hours. In other words, every 24 minutes in 1996, a Border resident was the victim of a violent crime. Estimated average daily property offenses included 120 burglaries, 480 thefts, and 60 vehicle thefts. In short, a property crime occurred every 2.2 minutes somewhere along the border.

As this report went to press, Juarez police were investigating the murders of more than 90 young women, many of whom

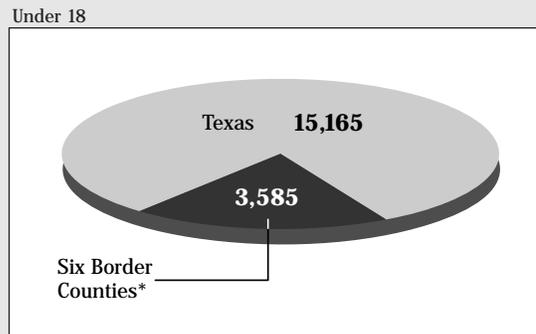
worked in the city's *maquiladoras*. The unsolved killings underscore the problems Mexican police are encountering as rapid social and economic change occurs.

Running counter to a general Texas trend of decreasing crime, the number of violent crimes increased in four of the Border region's six most populous counties—Cameron, Hidalgo, Nueces, and Webb—between 1991 and 1996, ranging from an increase of 9 per-

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FIGURE 10.3

**Juvenile Drug Arrests, 1996**



\* The six most populous border counties are Bexar, Cameron, El Paso, Hidalgo, Nueces, and Webb.

SOURCES: John Sharp, Texas Comptroller of Public Accounts, and Texas Department of Public Safety.

**TABLE 10.2**  
**Selected Border Counties**  
**District Court Caseloads: 1990 and 1996**

COUNTY	1996				Percent Change, 1990 - 1996			
	Drug Sale or Manuf.	Drug Possession	Other	Total Cases	Drug Sale or Manuf.	Drug Possession	Other	Total Cases
<b>Bexar</b>								
Total Cases on Docket	1,646	3,915	13,610	19,171	-15.6%	22.1%	17.8%	14.7%
Total Convictions	236	778	2,455	3,469	-63.2	-18.5	-6.7	-18.0
Deferred Adjudication	66	405	1,114	1,585	22.2	42.1	17.5	23.2
Other (acquittals, dismissals, other)	503	1,080	3,485	5,068	94.2	61.2	32.6	42.5
Cases Pending	841	1,652	6,556	9,049	-15.6	27.5	22.6	18.4
<b>El Paso</b>								
Total Cases on Docket	960	2,928	8,898	12,786	36.4%	115.5%	66.4%	72.5%
Total Convictions	86	260	952	1,298	-27.1	17.1	-9.6	-6.8
Deferred Adjudication	59	408	938	1,405	110.7	277.8	193.1	208.1
Other (acquittals, dismissals, other)	281	777	2,927	3,985	111.3	242.3	154.3	163.7
Cases Pending	534	1,483	4,081	6,098	25.6	84.9	44.5	50.5
<b>Cameron</b>								
Total Cases on Docket	139	1,281	3,971	5,391	-30.8%	218.7%	35.3%	52.4%
Total Convictions	46	283	740	1,069	-6.1	139.8	1.6	19.4
Deferred Adjudication	8	73	147	228	100.0	461.5	67.0	117.1
Other (acquittals, dismissals, other)	46	269	1,123	1,438	-29.2	120.5	23.7	31.3
Cases Pending	39	656	1,961	2,656	-53.0	340.3	62.1	84.2
<b>Nueces</b>								
Total Cases on Docket	513	2,019	4,302	6,834	47.0%	182.0%	25.6%	52.2%
Total Convictions	87	404	883	1,374	-39.2	93.3	-7.1	5.5
Deferred Adjudication	15	135	258	408	400.0	575.0	273.9	343.5
Other (acquittals, dismissals, other)	167	535	1,325	2,027	247.9	429.7	114.1	163.9
Cases Pending	244	945	1,836	3,025	57.4	144.8	2.7	29.9
<b>Hidalgo</b>								
Total Cases on Docket	460	1,271	5,000	6,731	120.1%	90.0%	75.7%	80.7%
Total Convictions	113	392	1,068	1,573	205.4	139.0	36.1	59.5
Deferred Adjudication	14	84	237	335	1,300.0	281.8	106.1	142.8
Other (acquittals, dismissals, other)	28	83	426	537	75.0	48.2	23.1	28.5
Cases Pending	305	712	3,269	4,286	96.8	66.7	104.3	96.4
<b>Webb</b>								
Total Cases on Docket	23	1,404	1,423	2,850	4.5%	766.7%	24.8%	115.3%
Total Convictions	7	365	316	688	250.0	693.5	-13.2	67.0
Deferred Adjudication	0	68	33	101	NA	1,260.0	22.2	215.6
Other (acquittals, dismissals, other)	0	171	199	370	-1,00.0	249.0	-49.6	-16.9
Cases Pending	16	800	875	1,691	-15.8	1,190.3	147.2	288.7
<b>Six-County Border Total</b>								
Total Cases on Docket	3,741	12,818	37,204	53,763	8.9%	96.8%	36.5%	44.5%
Total Convictions	575	2,482	6,414	9,471	-41.9	44.8	-1.5	2.8
Deferred Adjudication	162	1,173	2,727	4,062	80.0	158.9	74.0	92.5
Other (acquittals, dismissals, other)	1,025	2,915	9,485	13,425	96.4	138.0	56.9	72.2
Cases Pending	1,979	6,248	18,578	26,805	7.9	100.1	41.6	48.3

SOURCES: John Sharp, Texas Comptroller of Public Accounts, and Texas Judicial System.

cent in Cameron County to an increase of nearly 40 percent in Nueces County. Property crime also increased in Cameron, Hidalgo, and Nueces counties during this period.

Adjusting for population, however, only Nueces County saw an increase in property crimes per 100,000 population from 1991 to 1996. And juvenile drug law violations

increased 224 percent from 1990 to 1996; in the 13-15 year age group alone, drug-related arrests increased 280 percent.

The increases in crime and drug law violations

added to the caseloads of Border counties' state district courts. Texas district court caseloads increased 14 percent between 1990 and 1996—from 329,000 cases to 374,900 cases—while the caseloads in the six most populous Border counties increased 45 percent, from 37,200 to 53,800. During that period, however, only El Paso County obtained additional judges to address the increased workload (see **Table 10.2**).

**Deferred Adjudication, Broken Windows**

Critics complain that too many drug-related cases are now disposed of through deferred adjudication, meaning offenders are not sent to jail. Defendants who successfully complete the terms of deferred adjudication can get their drug arrests expunged and restore their clean criminal records. In 1996, the share of drug cases in Texas that ended in deferred adjudication increased from 11 percent to 13 percent. That means that in one of seven drug possession cases handled by Texas

judges in 1996, the offender was *not* sentenced to jail or prison time. One-tenth of all drug sale cases were disposed of through deferred adjudication.

Within the Border region alone, deferred adjudication has made what critics argue is a mockery of the justice system. From 1990 to 1996, the number of drug sale or manufacture cases concluding with deferred adjudication through state district courts in the most populous Border counties increased by 80 percent—from 90 cases in 1990 to 162 in 1996. During the same period, the number of drug possession cases disposed of through deferred adjudication increased 159 percent, from 453 cases in 1990 to 1,173 cases in 1996. The use of deferred adjudication for drug-related cases increased in all the Border counties.

Two political scientists, Dr. James Q. Wilson and George L. Kelling, use the image of broken windows to explain how neighborhoods might decay if no one attends to their maintenance.<sup>25</sup> Broken windows signify untended property, showing that no

one in the neighborhood cares, thus inviting further destruction. From this vantage point, disposing of drug-related offenses through deferred adjudication appears to be a “broken window” in the state’s criminal justice system—particularly in Border communities, where drug smuggling has reached such enormous proportions.

According to state and local drug enforcement officers, deferred adjudication as a sentencing option available to drug offenders flies in the face of the time and expense that go into building a drug case.

**Overburdened Courts**

Drug cases accounted for 40 percent of the increase in Border courts’ dockets between 1990 and 1996. In addition, certain drug law violators caught by federal agents were turned over to state courts for prosecution, further burdening county jails and judicial systems (see **Table 10.3**). Federal courts have complained about being so overburdened with drug cases that the U.S. Attorney’s office

*In 1996, the share of drug cases in Texas that ended in deferred adjudication increased from 11 percent to 13 percent.*

**TABLE 10.3**  
**Texas District Court Caseloads: 1990 and 1996**

COUNTY	1996				Percent Change, 1990 - 1996			
	Drug Sale or Manuf.	Drug Possession	Other	Total Cases	Drug Sale or Manuf.	Drug Possession	Other	Total Cases
<b>Texas</b>								
Total Cases on Docket	35,902	64,800	273,196	373,898	24.0%	21.7%	10.7%	13.7%
Total Convictions	9,456	13,878	54,255	77,589	-11.6%	-11.8%	-15.4%	-14.4%
Deferred Adjudication	2,385	5,110	19,793	27,288	37.1%	-1.7%	13.5%	11.9%
Other (acquittals, dismissals, other)	8,799	16,666	66,320	91,785	61.5%	39.6%	17.7%	24.5%
Cases Pending	15,262	29,146	132,828	177,236	37.8%	43.1%	22.1%	26.4%

SOURCES: John Sharp, Texas Comptroller of Public Accounts, and Texas Office of Court Administration.

has asked U.S. and Mexico border state courts to help prosecute cases involving fewer than 150 pounds of marijuana. Working with local prosecutors in this way enabled federal prosecutors to investigate and prosecute cases involving major traffickers or money laundering.

But, counties also carry the cost of prosecuting the smaller cases and housing detainees until reimbursement. South Texas lacks a federal detention center to house federal prisoners—a fact that brings unfortunate implications. Seeking federal reimbursements, for example, Webb County's district attorney estimated in October 1997 that county taxpayers were paying more than \$600,000 a year to jail and prosecute offenders caught in federal drug busts.<sup>26</sup>

"Such a situation doesn't exist along the Canadian border," one local official said.<sup>27</sup>

**On The Firing Line**

With drug smuggling up and related crime also on the rise, the Border region may be poised at the edge of a uniquely dangerous era, making the border itself a firing line in a growing war on and about drugs. The risk is real and the stakes are high: witness the 39 days of terror in Juarez. In the past two years, federal customs, Border Patrol, and drug enforcement agents confiscated record amounts

of illegal drugs in the Texas Border region. From 1995 to 1996 alone, annual marijuana seizures by customs agents in the Border region increased by one third, to 95 tons. In 1997, the Border Patrol seized 65 tons of marijuana in the El Paso sector, a 68 percent increase from 1996; 36 tons in the Laredo sector, a 24 percent increase; and 100 tons in McAllen, a 19 percent increase.<sup>28</sup> In total, the Border Patrol seized 232 tons of marijuana and 14 tons of cocaine in the Border region in 1997. DEA agents seized 56 tons of marijuana in 1997 in Hidalgo and Starr counties, exceeding the total in the two counties for the previous three years combined.<sup>29</sup>

The smuggling surge along the Texas Border has long-term implications for U.S.-Mexico drug enforcement collaboration.

"This is a critical period for the U.S. and for Mexico on the counter-narcotics front," said Jane Becker, the U.S. State Department's principal deputy assistant secretary for international narcotics and law enforcement affairs. "We are more than just neighbors with a 2,000-mile shared border or trading partners with a mutual interest in expanding business. We are also allies in a struggle against a phenomenon that threatens our peoples, our societies, and our democratic institutions."<sup>30</sup>

To meet the challenge of policing the U.S.-Mexico border against drugs, the two nations have annually expanded drug interdiction programs. In 1995, the U.S. Customs Service launched "Operation Hard Line," an interdiction effort applying new technologies along with conventional investigative techniques to stop drug smuggling.<sup>31</sup> In addition to intensifying inspections at border checkpoints, the Customs Service transferred 165 agents to the U.S. Southwest Border to work on narcotics. The agency's fiscal 1997 budget included money for an additional 650 positions and \$65 million for Operation Hard Line. Points of entry were fortified with the installation of concrete barriers to help stop attempts to run the border.

In addition, customs inspectors now depend on more sophisticated equipment such as X-ray machines to inspect commercial trucks. In Texas, the first two of four \$3.5 million X-ray systems planned for the Texas-Mexico border began operations at customs stations at El Paso bridges and at the Pharr-Reynosa International Bridge. With these machines, inspectors were able to see hidden cargo that drug-sniffing dogs or physical inspections missed. Laredo and Los Tomates were each expected to obtain similar X-ray stations by the end of 1999.<sup>32</sup>

In addition, the Customs

*With these machines, inspectors were able to see hidden cargo that drug-sniffing dogs or physical inspections missed.*

Service established a Carrier Initiative Program in 1984 to enlist the support of commercial carriers to deter smugglers from using commercial air and sea carriers to transport drugs.<sup>33</sup> Subsequently, more than 3,300 air, sea, and land carriers in the

Border region signed on. By 1995, the Land Border Carrier Initiative Program had been created to concentrate efforts in the Border region. By 1997, the Customs Service had received pledges from more than 836 Border trucking companies to bet-

ter police trucks and warehouses.

Controlling drugs on the border remains a largely federal issue, but federal and state authorities can do more to help law enforcement and judicial officials in Texas' Border cities and counties.

## ENDNOTES

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